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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ROSE HERSH,  
  
Plaintiff,  
  
v.  
  
NATIONAL FOUNDATION LIFE  
INSURANCE COMPANY f/k/a  
NATIONAL FINANCIAL LIFE  
INSURANCE COMPANY,  
  
Defendant.

Case No.: CV 11-03289 EDL

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING  
ON DEFENDANT NATIONAL  
FOUNDATION LIFE INSURANCE  
COMPANY'S MOTION FOR  
SUMMARY JUDGMENT OR, IN  
THE ALTERNATIVE, SUMMARY  
ADJUDICATION OF ISSUES**

**FAC Filed: 09/07/2011  
Trial Date: 11/13/2012**

The parties, by and through their respective attorneys hereby agree and stipulate to the following:

Whereas, this Court set December 6, 2011 as the last day for defendant to file a summary judgment motion as to its statute of limitations defense;

Whereas, defendant filed its Motion and plaintiff's Opposition thereto is due on or about December 20, 2011

Whereas, on or about November 9, 2011, plaintiff served written discovery on defendant, requesting documents and information which are material to plaintiff's contention that Florida law applies to this case;

Whereas, defendant's responses to said discovery are due on December 12, 2009 and defendant has requested a two week extension to respond to said discovery; and

Whereas, plaintiff has granted defendant's request, provided that it stipulate and agree to continue the briefing and hearing on defendant's motion so that plaintiff is not prejudiced by granting the extension.

Now, therefore, the parties stipulate and agree, subject to the Court's approval that the briefing and hearing date for defendant's motion for summary judgment, filed on December 6, 2011 shall be continued as follows:

January 3, 2012: Plaintiff's Opposition due

January 17, 2012 Defendant's Reply due

January 31, 2012 Hearing on Defendant's Motion for Summary Judgment

Dated: December 12, 2011

GREVE, CLIFFORD, WENGEL & PARAS, LLP

By: /s/ Bradley W. Kragel

Bradley W. Kragel  
Attorneys For Defendant National  
Foundation Life Insurance Company

Dated: December 12, 2011

KANTOR & KANTOR LLP  
STEVEN M. DUNN, P.A.

By: /s/ Corinne Chandler

Corinne Chandler  
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## [PROPOSED] ORDER

The Court, having considered the Stipulation submitted by the parties and good cause appearing therefor, it is hereby ordered that the hearing on Defendant NATIONAL FOUNDATION LIFE INSURANCE COMPANY's Motion for Summary Judgment or, in the Alternative, Motion for Summary Adjudication of Issues be continued to January 31, 2012. It is also hereby ordered that the deadline to file an opposition is continued to January 3, 2012, and the deadline to file a reply is continued to January 17, 2012.

Dated: December 13, 2011

  
HONORABLE ELIZABETH D. LAPORTE  
U.S. District Court Magistrate Judge

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